

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. [Bill Number]

Animal welfare.

Sponsored by: (s)

A BILL

for

1 AN ACT relating to the department of agriculture; providing
2 for the administration of the companion animal welfare
3 program; establishing the duties of the state animal
4 welfare officer; creating the companion animal protection
5 account; establishing bonding requirements for impounded
6 companion animals; providing definitions; providing
7 rulemaking authority; providing an appropriation; and
8 providing for an effective date.

9

10 *Be It Enacted by the Legislature of the State of Wyoming:*

11

12 **Section 1.** W.S. 11-2-301 through 11-2-304 is created
13 to read:

1

2

ARTICLE 3

3

WYOMING COMPANION ANIMAL WELFARE PROGRAM

4

5

11-2-301. Definitions.

6

7

(a) As used in this article:

8

9

(i) "Department" means the Wyoming department of
agriculture;

11

12

(ii) "Companion animal" means any privately
owned dog, cat, rabbit, guinea pig, hamster, mouse, gerbil,
ferret, bird, fish, reptile, amphibian, invertebrate or any
other species of domesticated animal sold, transferred or
retained for the purpose of being kept as a pet in or near
a house. "Companion animal" shall not include any livestock
as defined in W.S. 23-1-102(a) (xvi).

19

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**11-2-302. Rulemaking authority; duties of state
animal welfare officer.**

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1 (a) The department shall administer the Wyoming
2 companion animal welfare program as provided in this
3 article. The department may adopt rules and regulations if
4 necessary to implement this article.

5

6 (b) The department shall employ a state animal
7 welfare officer who shall:

8

9 (i) Oversee reimbursements to local governments
10 from the companion animal protection account created under
11 W.S. 11-2-303;

12

13 (ii) Provide training related to companion
14 animal welfare cases to local law enforcement, animal
15 control officers, prosecutors and judges;

16

17 (iii) Establish opportunities for local law
18 enforcement and animal control officers to obtain animal
19 control certification;

20

21 (iv) Pursue cost of care bonds from the owners
22 of animals involved in animal welfare cases as provided in

1 W.S. 11-2-304 in conjunction with local law enforcement or
2 the local animal control district;

3
4 (v) Manage the transfer of ownership or disposal
5 of companion animals as required under W.S. 11-2-304(d);

6
7 (vi) When practicable, provide direct assistance
8 on companion animal welfare cases to local law enforcement
9 and local animal control officers.

10
11 **11-2-303. Companion animal protection account.**

12
13 There is created the "companion animal protection account."
14 Funds shall be credited to the account as provided by law.
15 Funds in the account are continuously appropriated to the
16 department of agriculture to reimburse local law
17 enforcement agencies and governmental animal shelters for
18 eligible expenses applicable to a cruelty case under W.S.
19 6-3-203 which involves a companion animal. The department
20 shall develop rules and regulations to establish eligible
21 expenses and to determine how local law enforcement
22 agencies will be reimbursed for the costs of any companion
23 animal cruelty case, in an amount not to exceed ninety

1 percent (90%) in any particular case. Any reimbursement
2 under this subsection shall be contingent upon available
3 funding and upon a showing that the agency has made
4 reasonable efforts to seek reimbursement from the offender
5 of expenses incurred by the agency, as permitted by law.
6 All funds in the account may be used for and are
7 continuously appropriated for eligible expenses authorized
8 to be made under this subsection. The companion animal
9 protection account shall be a permanent, nonreversion
10 account within the state auditor's office.

11

12 **11-2-304. Impoundment of companion animals; cost of**
13 **care; bonding requirements.**

14

15 (a) Any peace officer or local law enforcement agency
16 may take possession of any companion animal treated cruelly
17 as determined by a Wyoming licensed veterinarian.

18

19 (b) The owner of the companion animal impounded under
20 subsection (a) of this section, and who has been cited
21 under W.S. 6-3-203, shall be required to post a bond with
22 the circuit court in the county where the companion animal
23 was impounded. The bond shall be:

1

2 (i) In an amount the circuit court determines is
3 sufficient to provide for the companion animal's board,
4 nutritional care, veterinary care and diagnostic testing
5 for at least ninety (90) days including the day on which
6 the companion animal was impounded; and

7

8 (ii) Filed with the circuit court within ten
9 (10) days after the companion animal is impounded.

10

11 (c) When the bond expires, if the owner of the
12 companion animal desires to prevent disposition of the
13 companion animal, the owner shall post a new bond with the
14 court as described in subsection (b) of this section.

15

16 (d) If a bond is not posted under subsection (b) or
17 (c) of this section, the state animal welfare officer shall
18 dispose of the companion animal by selling, transferring
19 ownership of or destroying the animal. The owner of the
20 companion animal shall be liable for all costs associated
21 with the final disposition of the companion animal under
22 this subsection.

23

1 (e) If a bond has been posted in accordance with
2 subsection (b) or (c) of this section, the local law
3 enforcement agency that has possession of the companion
4 animal may draw from the bond the actual costs as described
5 in subsection (b) of this section, from the date of initial
6 impoundment to the date of final disposition of the
7 companion animal.

8
9 **Section 2.** W.S. 6-3-203(o) is amended to read:

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11 **6-3-203. Cruelty to animals; penalties; limitation on**
12 **manner of destruction.**

13
14 (o) ~~There is created the "cruelty to household pet~~
15 ~~animals protection account." Funds shall be credited to~~
16 ~~the account as provided by law. Funds in the account are~~
17 ~~continuously appropriated to the attorney general to~~
18 ~~reimburse county law enforcement agencies for eligible~~
19 ~~expenses regarding household pet animal cruelty cases under~~
20 ~~subsection (p) of this section. The attorney general shall~~
21 ~~develop rules and regulations to establish eligible~~
22 ~~expenses and to determine how county law enforcement~~
23 ~~agencies will be reimbursed for the costs of any household~~

1 ~~pet animal cruelty case, in an amount not to exceed ninety~~
2 ~~percent (90%) in any particular case. Any reimbursement~~
3 ~~under this subsection shall be contingent upon available~~
4 ~~funding and upon a showing that the agency has made~~
5 ~~reasonable efforts to seek reimbursement from the offender~~
6 ~~of expenses incurred by the agency, as permitted by law.~~
7 ~~All funds in the account may be used for and are~~
8 ~~continuously appropriated for eligible expenses authorized~~
9 ~~to be made under this subsection. The cruelty to household~~
10 ~~pet animals protection account shall be a permanent,~~
11 ~~nonreversion account within the state auditor's office.~~ As
12 used in ~~this subsection and~~ subsection (p) of this section,
13 "household pet" means any privately owned dog, cat, rabbit,
14 guinea pig, hamster, mouse, gerbil, ferret, bird, fish,
15 reptile, amphibian, invertebrate or any other species of
16 domesticated animal sold, transferred or retained for the
17 purpose of being kept as a pet in or near a house.
18 "Household pet" shall not include any livestock as defined
19 in W.S. 23-1-102(a) (xvi).

20

21 **Section 3.** Any unencumbered funds in the cruelty to
22 household pet animals protection account under W.S.
23 6-3-203(a) on the effective date of this act shall be

1 transferred to the companion animal protection account
2 under W.S. 11-2-303 as created by this act.

3
4 **Section 4.** There is appropriated (amount) from the
5 general fund to the department of agriculture. This
6 appropriation shall be for the period beginning with the
7 effective date of this act and ending June 30, 2016. This
8 appropriation shall only be expended for the purpose of
9 employing the state animal welfare officer as provided in
10 W.S. 11-2-302 as created by this act. This appropriation
11 shall be included in the department's 2016-2017 standard
12 biennial budget request.

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16 **STAFF COMMENT**

17 **This amount is up for committee discussion, it may be**
18 **appropriate to consider what qualifications would be**
19 **required for the animal welfare office.**

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21 *****

22
23 **Section 5.** This act is effective July 1, 2015.

2015

STATE OF WYOMING

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Working Draft
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(END)